

IN THE UNITED STATES DISTRICT COURT FOR
THE WESTERN DISTRICT OF OKLAHOMA

BRANDYN CHRISTOPHER PIERCE,)
Plaintiff,)
vs.)
RANDY RICHARDSON et al.,)
Defendant.)

No. CIV-05-1453-W

FILED
JUL 5 2006
ROBERT D. DENNIS, CLERK
U.S. DIST. COURT, WESTERN DIST. OF OKLA.
BY BS DEPUTY

ORDER

Plaintiff Brandyn Christopher Pierce, appearing pro se, filed this action on December 16, 2005, seeking relief under title 42, section 1983 of the United States Code for alleged constitutional violations related to his confinement in the Logan County Jail. The matter was referred to United States Magistrate Judge Gary M. Purcell on December 20, 2005.

On January 11, 2006, Magistrate Judge Purcell ordered Pierce to submit within fifteen (15) days all papers necessary to serve the defendants. Pierce did not comply, and on May 19, 2006, Magistrate Judge Purcell advised Pierce of his intention to recommend dismissal of this action without prejudice unless Pierce showed good cause for his failure to comply.

The matter now comes before the Court on Magistrate Judge Purcell's Report and Recommendation issued on June 9, 2006, wherein he recommended that the Court dismiss this matter without prejudice. Pierce was advised of his right to object to the Report and Recommendation, but no objections have been filed within the allotted time.¹

¹The record reveals that all Orders as well as the Report and Recommendation have been returned by the United States Postal Service as undeliverable and with the notations "No longer here" and "Addressee Unknown." It is the responsibility of pro se litigants to provide the Court with a mailing address and to file with the Clerk of the Court notice of any change of address. Rule 5.5,

Upon review of the record, the Court concurs with Magistrate Judge Purcell's suggested disposition of this matter. Pierce has taken no action to serve a summons and a copy of his complaint on the defendants as required by Rule 4, F.R.Civ.P., and the Court finds no circumstances exist that warrant a permissive extension of time to effect service.

Accordingly, the Court

- (1) ADOPTS the Report and Recommendation issued on June 9, 2006; and
- (2) DISMISSES this matter without prejudice to refiling.

ENTERED this 5th day of July, 2006.



LEE R. WEST
UNITED STATES DISTRICT JUDGE